

THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANELLE LEE DIEROLF

Plaintiff,

v.

CHARTER TOWNSHIP OF WEST BLOOMFIELD
&
ERIK BEAUCHAMP

Defendants.

Law Offices of Aaron D. Cox, PLLC
BY: AARON D. COX (P69346)
Attorney for Plaintiff
23820 Eureka Rd.
Taylor, MI 48180
734-287-3664
aaron@aaroncoxlaw.com

/

COMPLAINT AND JURY DEMAND

Plaintiff, Janelle Lee Dierolf (“Plaintiff”), by and through her attorney, the Law Offices of Aaron D. Cox, PLLC, brings this action against Defendants, Charter Township of West Bloomfield (“Township”) and Erik Beauchamp (“Officer”) (collectively “Defendant”), and states as follows:

INTRODUCTION

1. This is an action brought under 42 U.S.C. §1983, seeking relief for violations of Plaintiff’s constitutional rights by the Township.
2. The Defendant wrongfully issued criminal charges against Plaintiff, unlawfully charging her with criminal violations of the Township’s ordinances

when Plaintiff does not own the Property at issue and does not have any legal authority over it.

3. The Township's criminal charges issued to Plaintiff were without probable cause that Plaintiff was either subject to enforcement under the Township's ordinances or that Plaintiff had done any action in violation of the Township's ordinances.

4. By seeking to hold Plaintiff criminally responsible for actions attributed solely to her employer, Defendant deprived Plaintiff of her rights under the Fourth and Fourteenth Amendments of the United States Constitution. Plaintiff seeks compensatory damages, declaratory relief, and any other relief deemed just and appropriate by this Court.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1331, as it involves a federal question arising under the Constitution and laws of the United States, and 28 U.S.C. §1343(a)(3), as it seeks redress for the deprivation of civil rights under 42 U.S.C. §1983.

6. Venue is proper in the Eastern District of Michigan under 28 U.S.C. §1391(b) because the Township is located in Oakland County within this judicial district and the events giving rise to this Complaint occurred within the Eastern District of Michigan.

PARTIES

7. Plaintiff, Janelle Lee Dierolf, is an individual residing at 3079 Eastland Rd., Muskegon, MI 49441.

8. Defendant, Charter Township of West Bloomfield, is a municipal corporation and a governmental entity organized under the laws of the State of Michigan located at 4550 Walnut Lake Rd. West Bloomfield, Michigan 48323. At all material times, Township was acting under color of state law in enforcing its ordinances and issuing the summons to Plaintiff.

9. Defendant Erik Beauchamp is an adult individual employed by the Township.

FACTUAL ALLEGATIONS

10. Plaintiff is employed by Apartment Management Professionals, LLC (“AMP”), a Michigan limited liability company.

11. Plaintiff does not have an ownership interest in AMP and is not an officer of that company.

12. AMP is a property management company whose business is to manage the rental property of other owners.

13. AMP manages a community known as 83 West Townhomes (the “Property”) located in the Township.

14. The Property is not owned by AMP.

15. Plaintiff is not the owner of the Property.

16. The Property falls within the jurisdiction of the Township making it subject to the Township's ordinances under the West Bloomfield Charter Township Code §13-01 et. seq. ("Ordinance").

17. On August 14, 2024, the Township's Officer issued a criminal court appearance summons to Plaintiff with violation ticket number WB06357, charging Plaintiff with the following crimes:

- a. Section 13-53(a) – Obligation to offer a recyclable collection and appropriately dispose of recyclables;
- b. Section 13-16(b) – Collection and disposal by a single solid waste hauler;
- c. Section 13-28 (d)(2)¹ – Dumpster collection

See **Exhibit 1**, court appearance Summons, dated August 14, 2024 (the "Violations").

18. The Violations were written by the Officer, a code enforcement manager for the Township.

19. Upon information and belief, the Officer is not a police officer as defined by Michigan law.

20. MCL 764.9c permits individuals, other than police officers, to issue appearance tickets for criminal violations if that person has been "specifically authorized by law or ordinance" to do so.

¹ The citations incorrectly references §13-28 (2), but no such section exists in the Township's ordinances.

21.No state law in Michigan permits a code enforcement manager to issue criminal charges for violation of Chapter 13 of the Township's Ordinances.

22.While a building official has been authorized by the Township to specifically enforce violations under Chapter 8 of the Township's Ordinances, no such corresponding delegation of authority exists for Chapter 13.

23.The Violations all arise from the Township's claims that the Property's owner was not providing recycling services to its residents, was not providing curbside garbage services to its residents, and had dumpsters located on the Property not permitted by ordinance.

24.Even if the Officer was authorized to issue the Violations, the ordinance permitting it, Chapter 1 §1-11, purports to unconstitutionally reduce the basis for the issuance of criminal charges from probable cause to "reasonable cause."

25.On the date the criminal charges were issued to Plaintiff, the Property had no dumpsters located on it that violated Township ordinances.

26.On the date the criminal charges were issued to Plaintiff, the Property's residents were being serviced by a trash hauler providing curbside garbage pickup.

27.The Township's ordinances do not contemplate that an employee of a property owner can be held criminally liable for the misconduct of another.

28.On August 27, 2024, following the issuance of the summons, the 48th Judicial District Court of Michigan issued a Notice to Appear to Plaintiff

instructing her to attend an arraignment scheduled for September 18, 2024. See

Exhibit 2, Notice to Appear

29.As a result of the Notice to Appear, Plaintiff was required to travel from her home in Muskegon to the 48th District Court, a round trip drive of approximately six hours.

30.As a result of the Notice to Appear, Plaintiff incurred expenses for a hotel stay and travel.

31.At the arraignment, the Court formally charged Plaintiff with three misdemeanor offenses under the Ordinance and issued a pre-trial release order requiring Plaintiff to attend all subsequent legal proceedings, prohibiting her from leaving the State of Michigan without the Court's permission and mandating that she update the Court with any changes to her address or contact information. See **Exhibit 3, Pretrial Release Order.**

32.The Pretrial Release Order restricted Plaintiff's freedoms and constituted a seizure under the law.

33.When the Violations were issued Defendant had no facts that supported a finding of probable cause that Plaintiff had violated the Township Ordinances.

34.The actions of the Township in charging Plaintiff was arbitrary, capricious, and lacked any legitimate basis, violating her constitutional rights.

35.Plaintiff has been harmed by incurring expenses unnecessarily in travel, accommodations, and legal expenses.

36.Plaintiff has been harmed by damage to her reputation.

37.Plaintiff, a law-abiding citizen who has never had more than an isolated speeding ticket has now been unconstitutionally charged with a crime without probable cause. This has caused Plaintiff to endure, emotional distress, stress, shame, and embarrassment.

COUNT I
VIOLATION OF THE FOURTH AMENDMENT
(Unlawful Seizure Under 42 U.S.C. § 1983)

38.Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

39.The Fourth Amendment to the United States Constitution protects individuals from unreasonable searches and seizures by government entities, prohibiting the seizure of an individual without probable cause or a sufficient factual basis.

40.A seizure is unreasonable per se if it is not supported by probable cause.

41.By issuing a criminal summons against Plaintiff without probable cause, Defendant, acting under color of state law, unlawfully seized Plaintiff in violation of the Fourth Amendment to the United States Constitution, as incorporated against the states through the Fourteenth Amendment.

42.Defendant compelled Plaintiff's presence through legal process without probable cause, resulting in unlawful seizure in violation of the Fourth Amendment.

43.Defendant's actions were predicated solely on Plaintiff being an employee of AMP, who manages the Property for the owner.

44. Even if the Township's ordinances purported to stand for the proposition that an individual like Plaintiff could be charged for the criminal conduct of another person such ordinance would be unconstitutional on its face.

45. As a direct and proximate result of Defendant's actions, Plaintiff suffered and continues to suffer substantial harm, including but not limited to emotional distress, reputational damage, financial costs associated with legal defense, and restrictions on her liberty.

46. As a direct and proximate result of Defendant's actions, Plaintiff is entitled to compensatory and punitive damages permitted by law, including attorney's fees under 42 U.S.C. §1988.

COUNT II
VIOLATION OF THE FOURTEENTH AMENDMENT
(Substantive Due Process Under 42 U.S.C. §1983)

47. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

48. Plaintiff has a liberty interest in her constitutional right to be free from unreasonable seizure.

49. Plaintiff has a liberty interest in her freedom of travel.

50. Plaintiff has a liberty interest in her freedom to not be subjected to burdensome governmental regulation without cause.

51. The Fourteenth Amendment's substantive due process component protects individual liberty against certain government actions regardless of the fairness of the procedures used to implement them.

52. Defendant's conduct in charging Plaintiff with a crime for another's conduct was arbitrary and irrational, constituting a violation of her substantive due process rights under the Fourteenth Amendment to the United States Constitution.

53. Defendant's conduct in charging Plaintiff with a crime without probable cause violated her 4th Amendment Right to be free from unreasonable seizure.

54. The Township's conduct was arbitrary and capricious and was done in a manner that shocks the conscience, depriving Plaintiff of her liberty interest in being free from baseless criminal charges.

55. The Township's conduct was arbitrary and capricious and was done in a manner that shocks the conscience, depriving Plaintiff of her liberty interest in being free from being charged criminally for the actions or inactions of another.

56. The Township's conduct constitutes a gross abuse of power as the Township sought to hold Plaintiff accountable without any evidence or rational basis with an intent to penalize her for reasons unrelated to her individual behavior.

57. Township's actions deprived Plaintiff of her liberty and property interests without any legitimate reason or factual basis resulting in undue emotional distress, legal expenses, and damage to her professional and personal reputation.

58. As a direct and proximate result of Township's unconstitutional conduct, Plaintiff has suffered and continues to suffer significant harm including severe

emotional distress, legal costs incurred in defending herself against baseless charges, and damage to her standing and reputation.

59. As a direct and proximate result of Township's actions, Plaintiff is entitled to compensatory and punitive damages permitted by law, including, attorneys' fees, and any other relief deemed appropriate by the Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Janelle Lee Dierolf respectfully requests that this Court enter judgment in her favor and against Defendants, jointly and severally, and award her the following relief:

- a. Compensatory damages in an amount to be determined at trial for the emotional, financial, and reputational harm suffered;
- b. Punitive damages to deter similar unconstitutional conduct by Defendant in the future;
- c. Injunctive relief;
- d. Attorney's fees and costs pursuant to 42 U.S.C. §1988; and
- e. Any other relief the Court deems just and proper.

Respectfully submitted:

/S/ Aaron D. Cox, Esq.

By: Aaron D. Cox (P69346)

Law Offices of Aaron D. Cox, PLLC

aaron@aaroncoxlaw.com

Attorney for Plaintiff Janelle Lee Dierolf

Dated: 16 October 2024

JURY DEMAND

NOW COMES Plaintiff Janelle Lee Dierolf, through her counsel Aaron D. Cox, Esq., and hereby demands trial by jury in the above captioned matter.

Respectfully submitted:

/S/ Aaron D. Cox, Esq.

By: Aaron D. Cox (P69346)

Law Offices of Aaron D. Cox, PLLC

aaron@aaroncoxlaw.com

Attorney for Plaintiff Janelle Lee Dierolf

Dated: 16 October 2024

Exhibit 1

*Charter Township of
West Bloomfield
Code Enforcement Department
(248) 451-4880*

COURT APPEARANCE REQUIRED

August 14, 2024

JANELLE LEE DIEROLF, ONSITE MANAGER
AND HERRON PROPERTY MANAGEMET LLC
3079 EASTLAND ROAD
MUSKEGON, MI 49441-3974

REGISTERED AGENTS, INC.
2222 W. GRAND RIVER AVENUE, SUITE A
OKEMOS, MI 48864

NOTICE OF REQUIRED COURT APPEARANCE. TIME AND DATE OF APPEARANCE TO BE DETERMINED BY THE COURT FOR CASE #EN24-0477

The Code Enforcement Department has issued a court appearance summons in the name of:

**JANELLE LEE DIEROLF, ONSITE MANAGER
AND HERRON PROPERTY MANAGEMET LLC**
[REDACTED]
MUSKEGON, MI 49441-3974

VIOLATION TICKET NUMBER: WB06357

VIOLATION(s):

Curbside collection of waste, recyclable materials and yard clippings Sec 13-28 (b)
Single designated waste hauler required. Except as provided in subsection (c) of this Section, no person shall dispose of any solid waste, recyclable materials, or yard clippings from a residential site of generation, unless excluded from the application of this Article, other than by means of the designated waste hauler awarded a contract by the Township for the curbside collection and disposal of residential solid waste, recyclable materials, and yard clippings.

INSPECTOR COMMENTS: Must utilize designated waste hauler for West Bloomfield Township which is Priority Waste.

You must answer the above charge at the 48th District Court at 4280 Telegraph Road, Bloomfield Hills, MI 48302-3200. Telephone Number (248) 647-1141. Please note, your appearance date will be determined by the court.

Respectfully,



Erik Beauchamp
Code Enforcement Manager
(248) 451-4853

State of Michigan Uniform Law Citation				Ticket No. WB 06357		<input type="checkbox"/> Victim Involved
US DOT #		Incident No. 6024-0977		Dept. No.		
The People of: <input type="checkbox"/> the State of Michigan <input type="checkbox"/> Township <input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> County		Local Use/Arrest No.		Detection Device		
OF: WEST BLOOMFIELD		BAC		of		
THE UNDERSIGNED SAYS THAT ON:		Month 8	Day 13	Year 24	At approximately 10:40	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.
State <input type="checkbox"/> Oper./Chauff. <input type="checkbox"/> CDL		[REDACTED]				
Race		Sex F	Height 5'9"	Weight 211	Age 32	Occupation/Employer
Name (First, Middle, Last) JANELLE LEE DIEROLF GANSKE						
Street HERLON PROPERTY MANAGEMENT LLC						
City WEST BLOOMFIELD		State MI		Zip Code 48302		
E-mail Address		Cellular Phone				
Vehicle Plate No.		Year	State	Vehicle Description (Year, Make, Color)		Veh. Type
THE PERSON NAMED ABOVE, in violation of <input type="checkbox"/> Local Ordinance <input type="checkbox"/> State Law <input type="checkbox"/> Administrative Rule						
UPON 6423 SILVER BUCKLE						
AT OR NEAR AKA 83 WEST						
WITHIN <input type="checkbox"/> CITY <input type="checkbox"/> VILLAGE <input type="checkbox"/> TOWNSHIP OF WEST BLOOMFIELD		DID THE FOLLOWING				
CITY OF OAKLAND		CHARGE				
Type	MCL Cite/PACC Code/Ordinance	Description (include any bond amount collected on each charge)				No.
<input type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Authorization pend.	RC 13-53(b)	OBSTRUCTION T. 6024-0977				1
<input type="checkbox"/> Misd <input type="checkbox"/> Fug <input type="checkbox"/> Fel <input type="checkbox"/> Waiv	RC 13-10(b)	SMALL WASTE HANDLER				2
<input type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Authorization pend.	RC 13-25(2)	DUMPSTER COLLECTION				3
<input type="checkbox"/> Misd <input type="checkbox"/> Fug <input type="checkbox"/> Fel <input type="checkbox"/> Waiv						
TO THE COURT: Do not arraign on a felony charge until an authorized complaint is filed.						
Offense Code(s) 1- 2- 3-						
Key for Type: C/I=Civil Infraction Misd=Misdemeanor Fel=Felony Warn=Warning Fug=Fugitive Waiv=Violation for Which Fines/Costs May be Waived Authorization pend.=Authorization pending						
Remarks: 83 WEST MOST LITTLE JUNKIE						
WASTE HANDLER OFFER RECYCLING						
DUMPSTERS COPY OF CITATION SENT TO						
STARR KNOWN ADDRESSES						
CHECK IF APPROPRIATE <input type="checkbox"/> Damage to Property <input type="checkbox"/> Local Court Bond \$						
<input type="checkbox"/> Vehicle Impounded <input type="checkbox"/> Injury <input type="checkbox"/> License Posted In Lieu of Bond						
<input type="checkbox"/> Traffic Crash <input type="checkbox"/> Death <input type="checkbox"/> Appearance Certificate						
Person in Active Military Service <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None						
SEE DATE BELOW. SEE BACK OF CITATION FOR EXPLANATION AND INSTRUCTIONS						
Appearance Date on or before						
Hearing Date (if applicable) on <input type="checkbox"/> Contact Court						
<input type="checkbox"/> Juvenile Traffic Misd. (Court will Notify) <input type="checkbox"/> Formal Hearing Required. (Court will Notify)						
In the 40TH DISTRICT		Court of OAKLAND, MI				
Court Address & Phone Number						
Court Phone Number 480 TELEGRAPH RD., PO BOX 3200						
248-647-1141 BLOOMFIELD HILLS, MI 48302-3200						
<input type="checkbox"/> I served a copy of the civil infraction complaint upon the defendant (or owner/occupant by posting if applicable).						
I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.						
Complainant's Signature and receipt if applicable						
Officer's Name (printed) BOB BEAUCHAMP		Month 8		Day 13	Year 24	Officer's ID No. 900
Agency ORI MI-6381500		Agency Name WEST BLOOMFIELD POLICE DEPT.				
UC-01a, Rev. 10/21						

MISDEMEANOR COPY

Exhibit 2

Exhibit 3

STATE OF MICHIGAN 48TH JUDICIAL DISTRICT	PRETRIAL RELEASE ORDER	Case No: 24WB06357A OM
	<input type="checkbox"/> AMENDED CONDITIONS <input type="checkbox"/> AMENDED LEIN EXPIRATION DATE	Mag: NELSON-KLEIN J

ORI
MI-630105JCourt Address 4280 TELEGRAPH RD
BLOOMFIELD HILLS, MI 48302Court Telephone no.
(248) 647-1141

THE PEOPLE OF <input type="checkbox"/> <input checked="" type="checkbox"/> TWP OF WEST BLOOMFIELD	V Defendant's name, address, and telephone no. DIEROLF/JANELLE/LEE 2222 W GRAND RIVER AVE STE A OKEMOS, MI 48864
	CTN/TCN SID

Date of arrest AUG. 13, 2024	Type of offense <input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Felony	Arresting agency W BLOOMFIELD	Agency file no.
Offense(s) OBLIGATION TO OFFER RECYCLING (WB ORD 13-53)		Statute/ordinance citation(s) 13-53-ORD	
Purpose of next appearance PRETRIAL		Time of appearance	Date of appearance
Place of appearance <input checked="" type="checkbox"/> At the court address above <input type="checkbox"/> Other:			
TYPE OF BOND: <input checked="" type="checkbox"/> Personal recognizance <input type="checkbox"/> Cash/Surety <input type="checkbox"/> Cash/Surety/10% Cash <input type="checkbox"/> Real property* <input type="checkbox"/> *Proof of value and interest in real property is required.		Full bail amount \$ 500.00	Bond set by Magistrate JULIE A. NELSON-KLEIN

1. ☐ a. Release on personal recognizance shall be ordered as required by MCR 6.106(C).
☐ b. Release on personal recognizance will not reasonably ensure
 ☐ appearance. ☐ public safety.
- ☐ 2. Under 18 USC 922(g)(8), the court found, at a hearing, that the defendant/juvenile represents a credible threat to the physical safety of one or more persons as defined in 18 USC 922(g)(8) and 18 USC 921(a)(32) and named in item 5q. **Needed for NCIC.

IT IS ORDERED:

4. ☐ a. The defendant/juvenile shall post a new bond and comply with the terms and conditions in item 5.
☐ b. The bond previously ordered is continued, and the defendant/juvenile shall comply with the terms and conditions in item 5.
5. The defendant/juvenile shall comply with the following terms and conditions that are checked:
☒ a. Personally appear for any examination, arraignment, trial, sentencing, or at any time and place as directed by this court. If represented by an attorney in this case, any notice to appear may be given to the defendant's attorney instead of the defendant.
☒ b. Abide by any judgment entered in this case and surrender to serve any sentence imposed.

(See additional page for more conditions.)

Approved, SCAO
 Form MC 240, Rev. 9/22
 MCL 765.6b, MCR 3.935, MCR 6.103, MCR 6.106, MCR 6.610,
 18 USC 922(g)(8)
 Page 1 SEE NEXT PAGE

Distribute form to:
 Court
 Defendant
 Prosecutor
 Sheriff/Facility
 Originating law enforcement agency (when applicable)
 LEIN (when applicable)

Pretrial Release Order (9/22)
Page 2 SEE NEXT PAGE

Case No: 24WB06357A OM

IT IS ORDERED (continued):

- ☒ c. Do not leave the State of Michigan without the permission of this court.
- ☒ d. Do not commit any crime while released.
- ☒ e. Immediately notify this court, in writing, of any change of address or telephone number.
- ☐ f. Make reports to a court agency as specified by this court or the agency.
- ☐ g. Do not use ☐ alcohol. ☐ marijuana. ☐ illegal controlled substances.
- ☐ h. Participate in a substance abuse testing or monitoring program.
- ☐ i. Participate in a specified treatment program for any physical or mental condition, including substance abuse.
- ☐ j. Comply with restrictions on personal association, place of residence, place of employment, or travel.
- ☐ k. Surrender driver's license or passport.
- ☐ l. Continue to seek employment.
- ☐ m. Comply with the following curfew:

-
- ☐ n. Continue or begin an educational program.
 - ☐ o. Remain in the custody of a responsible member of the community. The community member agrees to monitor the defendant/juvenile and report any violation of these release conditions to the court.
 - ☐ p. Do not possess or purchase a firearm or other dangerous weapon.
 - ☐ q. Do not harass, intimidate, beat, molest, wound, stalk, threaten, or engage in other conduct that would place any of the following persons or a child of any of the following persons in reasonable fear of bodily injury: spouse, former spouse, individual with whom the defendant has a child in common, resident or former resident of the defendant's household.
 - ☐ r. Do not assault, harass, intimidate, beat, molest, wound, or threaten the following person(s):

Name (s)

- ☐ s. Do not have (or cause any third party to have) any direct or indirect contact with the following person(s): (Note: This condition also applies while the defendant/juvenile is in custody.)

Name (s)

- ☐ t. Do not enter the following specified premises or areas:

Address or other location

- ☐ May go to the address once, accompanied by a peace officer, to remove personal belongings.

- ☐ u. Other: Defendant may travel to FL 10/18¹⁸ - 10/24/24

Pretrial Release Order (9/22)
Page 3 SEE NEXT PAGE

Case No: 24WB06357A OM

☐ 6. The ☐ sheriff ☐ _____
Custodial agency/Facility

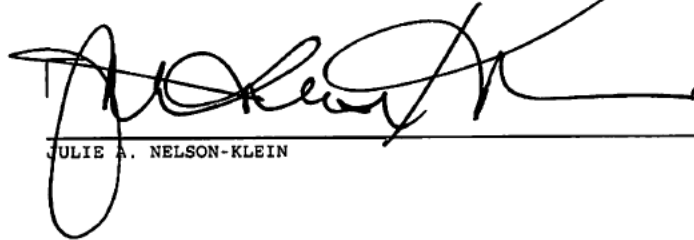
shall hold the defendant/juvenile named above in its care and custody until bond is posted and the terms and conditions specified in item 5 are acknowledged. The defendant/juvenile shall be brought to all court appearances while in custody or as otherwise ordered. The sheriff or director or designee of the custodial facility is authorized to obtain and consent to routine, nonsurgical medical and dental care for the juvenile and emergency medical, dental, and surgical treatment of the juvenile.

☐ 7. This order shall be entered into LEIN, is effective when signed, and expires on _____.

(Note: Check when release is subject to conditions necessary to protect 1 or more named persons under MCL 765.6b or for NCIC.)

Height	Weight	Race*	Sex*	
			F	
Hair color	Eye color	Other identifying information		

*These items must be filled in for the police/sheriff to enter on LEIN; the other items are not required but are helpful.



JULIE A. NELSON-KLEIN

SEPT. 18, 2024
Date